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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation filed)
Against:)

RALPH KETTELKAMP, M.D.)
Certificate No. G-8432)

No: 08-2002-129434

Respondent)

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on September 2, 2003.

IT IS SO ORDERED July 31, 2003.

By: 

RONALD WENDER, M.D.

Chair - Panel B

Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 STEPHEN M. BOREMAN, State Bar No. 161498
Deputy Attorney General
3 California Department of Justice
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4 P.O. Box 944255
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5 Telephone: (916) 445-8383
6 Facsimile: (916) 327-2247
7 Attorneys for Complainant

8
9 **BEFORE THE**
DIVISION OF MEDICAL QUALITY
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 08-2002-129434

13 RALPH KETTELKAMP, M.D.
5 Highland Drive
14 San Luis Obispo, CA 93405

OAH No.

15 Physician and Surgeon's Certificate No. G-8432

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Ron Joseph (Complainant) is the Executive Director of the Medical Board
22 of California. He brought this action solely in his official capacity and is represented in this
23 matter by Bill Lockyer, Attorney General of the State of California, by Stephen M. Boreman,
24 Deputy Attorney General.

25 2. Respondent Ralph Kettelkamp, M.D. (Respondent) is represented in this
26 proceeding by attorney Mark B. Connely, whose address is 1035 Peach Street, San Luis Obispo,
27 CA 93401.

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3. On or about March 7, 1963, the Medical Board of California issued Physician and Surgeon's Certificate No. G-8432 to Ralph Kettelkamp, M.D. (Respondent). The Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 08-2002-129434 and will expire on September 30, 2004, unless renewed.

JURISDICTION

4. Accusation No. 08-2002-129434 was filed before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 20, 2003. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 08-2002-129434 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 08-2002-129434. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits that the Division could provide proof at hearing to sustain the allegations in paragraph 12 in Accusation No. 08-2002-129434, and agrees that

1 respondent has thereby subjected his certificate to disciplinary action pursuant to Business and
2 Professions Code section 2234 (c). Respondent agrees to be bound by the Division's Disciplinary
3 Order as set forth below.

4 CIRCUMSTANCES IN MITIGATION

5 9. Respondent Ralph Kettelkamp, M.D. has never been the subject of any
6 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

7 CONTINGENCY

8 10. This stipulation shall be subject to approval by the Division of Medical
9 Quality. Respondent understands and agrees that counsel for Complainant and the staff of the
10 Medical Board of California may communicate directly with the Division regarding this
11 stipulation and settlement, without notice to or participation by Respondent or his counsel. By
12 signing the stipulation, Respondent understands and agrees that he may not withdraw his
13 agreement or seek to rescind the stipulation prior to the time the Division considers and acts upon
14 it. If the Division fails to adopt this stipulation as its Decision and Order, the Stipulated
15 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
16 be inadmissible in any legal action between the parties, and the Division shall not be disqualified
17 from further action by having considered this matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties
22 agree that the Division may, without further notice or formal proceeding, issue and enter the
23 following Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. G-8432
26 issued to Respondent Ralph Kettelkamp, M.D. is revoked. However, the revocation is stayed
27 and Respondent is placed on probation for five (5) years on the following terms and conditions.

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1 Within 15 days after the effective date of this decision the respondent shall
2 provide the Division, or its designee, proof of service that respondent has served a true copy of
3 this decision on the Chief of Staff or the Chief Executive Officer at every hospital where
4 privileges or membership are extended to respondent or at any other facility where respondent
5 engages in the practice of medicine and on the Chief Executive Officer at every insurance carrier
6 where malpractice insurance coverage is extended to respondent.

7 1. PHYSICIAN ASSESSMENT AND CLINICAL EDUCATION
8 PROGRAM Within 90 days from the effective date of this decision, respondent, at his/her
9 expense, shall enroll in The Physician Assessment and Clinical Education Program at the
10 University of California, San Diego School of Medicine (hereinafter the "PACE Program"). The
11 PACE Program consists of the Comprehensive Assessment Program which is comprised of two
12 mandatory components: Phase 1 and Phase 2. Phase 1 is a two-day program which assesses
13 physical and mental health; neuropsychological performance; basic clinical and communication
14 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to the
15 specialty or sub-specialty of the respondent. After the results of Phase 1 are reviewed,
16 respondent shall complete Phase 2. Phase 2 comprises five (5) days (40 hours) of Clinical
17 Education in respondent's field of specialty. The specific curriculum of Phase 2 is designed by
18 PACE Faculty and the Department or Division of respondent's specialty, and utilizes data
19 obtained from Phase 1. After respondent has completed Phase 1 and Phase 2, the PACE
20 Evaluation Committee will review all results and make a recommendation to the Division or its
21 designee as to whether further education, clinical training (including scope and length), treatment
22 of any medical and/or psychological condition and any other matters affecting respondent's
23 practice of medicine will be required or recommended. The Division or its designee may at any
24 time request information from PACE regarding the respondent's participation in PACE and/or
25 information derived therefrom. The Division may order respondent to undergo additional
26 education, medical and/or psychological treatment based upon the recommendations received
27 from PACE.

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1 Upon approval of the recommendation by the Division or its designee, respondent
2 shall undertake and complete the recommended and approved PACE Program. At the completion
3 of the PACE Program, respondent shall submit to an examination on its contents and substance.
4 The examination shall be designed and administered by the PACE Program faculty. Respondent
5 shall not be deemed to have successfully completed the program unless he/she passes the
6 examination. Respondent agrees that the determination of the PACE Program faculty as to
7 whether or not he passed the examination and/or successfully completed the PACE Program shall
8 be binding.

9 Respondent shall complete the PACE Program no later than six months after his
10 initial enrollment unless the Division or its designee agrees in writing to a later time for
11 completion.

12 If respondent successfully completes the PACE Program, including the
13 examination referenced above, he agrees to cause the PACE Program representative to forward a
14 Certification of Successful Completion of the program to the Division or its designee. If
15 respondent fails to successfully complete the PACE Program within the time limits outlined
16 above, he shall be suspended from the practice of medicine.

17 Failure to participate in, and successfully complete all phases of the PACE
18 Program, as outlined above, shall constitute a violation of probation.

19 2. OBEY ALL LAWS Respondent shall obey all federal, state and local
20 laws, all rules governing the practice of medicine in California, and remain in full compliance
21 with any court ordered criminal probation, payments and other orders.

22 3. QUARTERLY REPORTS Respondent shall submit quarterly
23 declarations under penalty of perjury on forms provided by the Division, stating whether there
24 has been compliance with all the conditions of probation.

25 4. PROBATION SURVEILLANCE PROGRAM COMPLIANCE
26 Respondent shall comply with the Division's probation surveillance program. Respondent shall,
27 at all times, keep the Division informed of his business and residence addresses which shall both
28 serve as addresses of record. Changes of such addresses shall be immediately communicated in

1 writing to the Division. Under no circumstances shall a post office box serve as an address of
2 record, except as allowed by Business and Professions Code section 2021(b).

3 Respondent shall, at all times, maintain a current and renewed physician's and
4 surgeon's license.

5 Respondent shall also immediately inform the Division, in writing, of any travel
6 to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more
7 than thirty (30) days.

8 5. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS
9 DESIGNATED PHYSICIAN(S) Respondent shall appear in person for interviews with the
10 Division, its designee or its designated physician(s) upon request at various intervals and with
11 reasonable notice.

12 6. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
13 STATE NON-PRACTICE In the event respondent should leave California to reside or to
14 practice outside the State or for any reason should respondent stop practicing medicine in
15 California, respondent shall notify the Division or its designee in writing within ten (10) days of
16 the dates of departure and return or the dates of non-practice within California. Non-practice is
17 defined as any period of time exceeding thirty (30) days in which respondent is not engaging in
18 any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time
19 spent in an intensive training program approved by the Division or its designee shall be
20 considered as time spent in the practice of medicine. A Board-ordered suspension of practice
21 shall not be considered as a period of non-practice. Periods of temporary or permanent residence
22 or practice outside California or of non-practice within California, as defined in this condition,
23 will not apply to the reduction of the probationary order.

24 7. COMPLETION OF PROBATION Upon successful completion of
25 probation, respondent's certificate shall be fully restored.

26 8. VIOLATION OF PROBATION If respondent violates probation in any
27 respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke
28 probation and carry out the disciplinary order that was stayed. If an accusation or petition to

1 revoke probation is filed against respondent during probation, the Division shall have continuing
2 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
3 is final.

4 9. COST RECOVERY The respondent is hereby ordered to reimburse the
5 Division the amount of \$1,000 payment due for cost of investigation within ninety (90) days of
6 the effective date of this decision for its investigative and prosecution costs. Failure to reimburse
7 the Division's cost of investigation and prosecution shall constitute a violation of the probation
8 order, unless the Division agrees in writing to payment by an installment plan because of
9 financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of
10 his responsibility to reimburse the Division for its investigative and prosecution costs.

11 10. PROBATION COSTS Respondent shall pay the costs associated with
12 probation monitoring each and every year of probation, as designated by the Division, which are
13 currently set at \$2874 per year, but may be adjusted on an annual basis. Such costs shall be
14 payable to the Division of Medical Quality and delivered to the designated probation surveillance
15 monitor no later than January 31 of each calendar year. Failure to pay costs within 30 days of the
16 due date shall constitute a violation of probation.

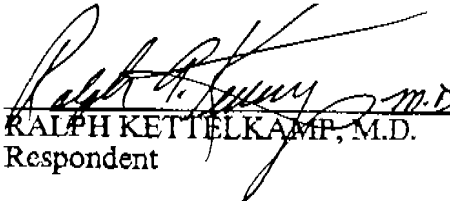
17 11. LICENSE SURRENDER Following the effective date of this decision, if
18 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy
19 the terms and conditions of probation, respondent may voluntarily tender his certificate to the
20 Board. The Division reserves the right to evaluate the respondent's request and to exercise its
21 discretion whether to grant the request, or to take any other action deemed appropriate and
22 reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent
23 will not longer be subject to the terms and conditions of probation.

24 ACCEPTANCE

25 I have carefully read the above Stipulated Settlement and Disciplinary Order and
26 have fully discussed it with my attorney, Mark B. Connely. I understand the stipulation and the
27 effect it will have on my Physician and Surgeon's Certificate. I enter into this Stipulated
28 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be

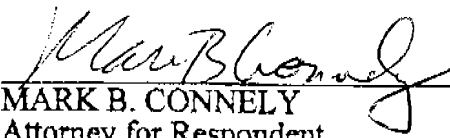
1 bound by the Decision and Order of the Division of Medical Quality, Medical Board of
2 California.

3 DATED: 6 June 2003

4
5 
6 RALPH KETTELKAMP, M.D.
7 Respondent

8 I have read and fully discussed with Respondent Ralph Kettelkamp, M.D. the
9 terms and conditions and other matters contained in the above Stipulated Settlement and
10 Disciplinary Order. I approve its form and content.

11 DATED: 30 June, 2003

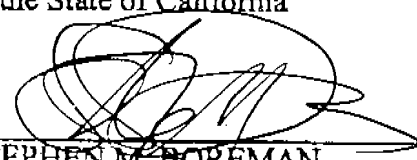
12 
13 MARK B. CONNELLY
14 Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Division of Medical Quality, Medical Board of California of
18 the Department of Consumer Affairs.

19 DATED: July 7, 2003

20
21 BILL LOCKYER, Attorney General
22 of the State of California

23 
24 STEPHEN M. BOREMAN
25 Deputy Attorney General

26
27 Attorneys for Complainant

Exhibit A

Accusation No. 08-2002-129434

1 BILL LOCKYER, Attorney General
of the State of California
2 STEPHEN M. BOREMAN, State Bar No. 161498
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3 California Department of Justice
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7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *February 20 03*
BY *Janella B. Mosher*

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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 08-2002-129434

RALPH KETTELKAMP, M.D.
5 Highland Drive
San Luis Obispo, CA 93405

ACCUSATION

Physician and Surgeon's Certificate No. G-8432
Respondent.

Complainant alleges:

PARTIES

1. Ron Joseph (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On or about March 7, 1963, the Medical Board of California issued Physician and Surgeon's Certificate Number G-8432 to Ralph Kettelkamp, M.D. (Respondent). The Physician and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2004, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Division of Medical Quality (Division) for the Medical Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Division deems proper.

5. Section 125.3 of the Code provides, in pertinent part, that the Division may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

6. Section 2234 of the Code states:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated there must be two or more negligent acts or omissions.

"(1) An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's

1 conduct departs from the applicable standard of care, each departure constitutes a separate
2 and distinct breach of the standard of care.

3 “(d) Incompetence.

4 “(e) The commission of any act involving dishonesty or corruption which is
5 substantially related to the qualifications, functions, or duties of a physician and surgeon.

6 “(f) Any action or conduct which would have warranted the denial of a
7 certificate.”

8 7. Section 14124.12 of the Welfare and Institutions Code states, in pertinent
9 part:

10 “(a) Upon receipt of written notice from the Medical Board of California, the
11 Osteopathic Medical Board of California, or the Board of Dental Examiners of California,
12 that a licensee's license has been placed on probation as a result of a disciplinary action,
13 the department may not reimburse any Medi-Cal claim for the type of surgical service or
14 invasive procedure that gave rise to the probation, including any dental surgery or
15 invasive procedure, that was performed by the licensee on or after the effective date of
16 probation and until the termination of all probationary terms and conditions or until the
17 probationary period has ended, whichever occurs first. This section shall apply except in
18 any case in which the relevant licensing board determines that compelling circumstances
19 warrant the continued reimbursement during the probationary period of any Medi-Cal
20 claim, including any claim for dental services, as so described. In such a case, the
21 department shall continue to reimburse the licensee for all procedures, except for those
22 invasive or surgical procedures for which the licensee was placed on probation.”

23 FIRST CAUSE FOR DISCIPLINE

24 (Gross Negligence)

24 [Bus. & Prof. Code Section 2234 (b)]

25 8. Respondent is subject to disciplinary action under section 2234 (b) of the
26 Code in that he failed to properly interpret and medically follow-up on the results of a Pap smear
27 test for patient Kathleen A., a thirty-one year old female patient seeking pregnancy termination;
28 failed to inform the patient of the need for follow-up and/or additional testing and diagnosis; and

1 failed to perform a Pap smear on the patient when she presented to Respondent subsequently for
2 another pregnancy termination. The circumstances are as follows:

3 9. On or about December 06, 1996, patient Kathleen A. presented to
4 Respondent at the Cuesta Medical Group in Los Osos, California, seeking to terminate a
5 pregnancy. Respondent performed a physical examination of the patient and took a Pap smear
6 from the patient on or about December 12, 1996, thereafter performing an abortion on the
7 patient. The patient was instructed to return for follow-up on or about December 24, 1996.
8 Respondent made a notation in the patient chart for December 24, 1996, indicating that the
9 results of the patient's Pap smear showed herpes and Gardnerella, vaginosis and "also atypical
10 squamous". Respondent prescribed Flagyl and Zovirax for the patient, and instructed her to
11 return in six weeks for a repeat Pap smear test. Respondent did not inform the patient of the
12 abnormal Pap smear test results. The patient did not return for the second Pap smear as directed.
13 Respondent made no effort to contact the patient regarding the need for further testing.
14 Respondent next saw the patient on or about January 10, 1997, when the patient returned with
15 complaints of depression and insomnia. Respondent prescribed Zoloft, 50 mg. to address the
16 patient's complaints, but failed to discuss gynecological issues and/or the need to follow-up on the
17 abnormal Pap smear. On or about May 14, 1997, the patient again presented to Respondent
18 seeking to terminate another unwanted pregnancy. Respondent performed the requested abortion
19 procedure, but did not perform a Pap smear test nor a colspocopic examination, and again failed
20 to inform the patient of the abnormal test results from her previous Pap smear in December 1996.

21 10. On or about March 9, 1999, patient Kathleen A., underwent a biopsy of
22 her cervix performed by gynecologist Joseph Much, M.D., which showed a squamous cell
23 carcinoma. A subsequent staging laparotomy was performed on the patient by Kevin Brader,
24 M.D., on or about March 26, 1999. The patient was diagnosed with Stage III-B squamous cell
25 carcinoma of the cervix. A lymph node dissection was performed and radiation therapy initiated.
26 The patient expired in February of 2000.

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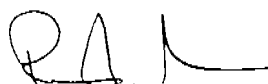
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4. Taking such other and further action as deemed necessary and proper.

DATED: February 20, 2003



RON JOSEPH
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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SMB/mec